Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
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NO. 85-2168

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

JAMES N. FLEMING,

Petitioner,

v.

W. BEDFORD MOORE, III,

Respondent.

MOTION FOR LEAVE TO FILE NAACP AMICUS CURIAE BRIEF IN SUPPORT OF PETITIONER'S BRIEF FOR WRIT OF CERTIORARI

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NOW COMES THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, and respectfully moves this Honorable Court for permission to file the attached amicus curiae brief in the

above captioned case.

Respondent has declined to grant the NAACP's request for consent to file an amicus curiae brief.

Petitioner has granted the NAAPC's request for consent to file the attached amicus curiae brief.

For seventy-four years the NAACP has been the foremost advocate of the rights of black and minority peoples in this country.

The use of peremptory challenges to exclude blacks from juries in civil trials is of paramount concern to the NAACP. The attached amicus curiae brief requests that this Court curtail the use of peremptory challenges to exclude blacks in cases where race is the subject of the controversy or where the interests of black litigants are at stake.

Despite criticisms of "judicial paternalism", this Court historically has acted to

uphold the constitutional rights of blacks and other minorities. The issue presented in the attached amicus curiae brief illustrates that there is continued need for the Court's vigilance in protecting the rights of these groups.

Exclusion of blacks from civil juries on racial grounds sullies the integrity of the judicial process. Failure by this Court to establish guidelines limiting the use of the peremptory challenge in the circumstances mentioned above will further embolden those who manipulate the peremptory device to attain racist judgments.

Accordingly, the NAACP respectfully requests that this Court grant permission to file the attached amicus curiae brief.

Respectfully submitted,

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